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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,955	10/21/2003	George Mileos	0007049	3460

28990 7590 07/28/2004

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,955

Applicant(s)

MILEOS ET AL.

Examiner

Naschica S Morrison

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/689,955, Improved Keyboard Support Mechanism, filed on October 21, 2003. Claims 1-100 are pending.

Drawings

The drawings are objected to because they fail to show *threads* on rod (50) in Fig. 13 and *threads* on the inner surface of fastener (55) in Fig. 16 as described in the specification.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: numeral 45.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "43" has been used to designate both "cam" in Fig. 12 and "opening" in Fig. 8.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "ball bearing slide" recited in claims 99 and 100 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 8 is objected to because of the following informalities: on line 3, "first arm" should be --first and--. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: on line 2, insert -- bracket-- after "mounting". Appropriate correction is required.

Claim 39 is objected to because of the following informalities: on line 2, "sidearm" should be --side arm--. Appropriate correction is required.

Claim 47 is objected to because of the following informalities: on line 3, "font" should be --front-- and on line 21 "are such" should be --is such--. Appropriate correction is required.

Claim 48 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim 50 is objected to because of the following informalities: the subheadings within the claim should be lettered rather than numbered to reduce confusion with claim numbers and to be more consistent with other claims (see claims 57, 65, etc.).

Claim 53 is objected to because of the following informalities: on line 1, "having" should be --has--. Appropriate correction is required.

Claim 58 is objected to because of the following informalities: on line 1, "being" should be --is--. Appropriate correction is required.

Claim 65 is objected to because of the following informalities: on line 10, "shelving" should be --shelving--. Appropriate correction is required.

Claims 78 and 79 are objected to because of the following informalities: on line 1, "being" should be --is--. Appropriate correction is required.

Claims 84 and 88 are objected to because of the following informalities: on line 7, delete "," after "opposite end" and on line 8 insert --,-- after "axis". Appropriate correction is required.

Claim 85 is objected to because of the following informalities: on line 1, "combination" should be --auxiliary shelf mechanism--. Appropriate correction is required.

Claim 86 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim 89 is objected to because of the following informalities: on line 4, delete "at" after "connected" and delete "and" after "bracket". Appropriate correction is required.

Claim 91 is objected to because of the following informalities: on line 15, "connections" should be --connection--. Appropriate correction is required.

Claim 92 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim Rejections – 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 65-74, 84, 85, 87, 88, 92, 106 and 109-114 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 65, line 10 recites "the shelf bracket being away from the outer side edges of said shelving surface"; however, it is not understood how the shelf bracket can include the shelving surface (as recited in line 8) *AND* be away from the outer side edges of the shelving surface.

Claims 84, 85 and 88 are incomprehensible because the language of the claims is inconsistent with the specification and drawings. It is not clear which structure the applicant is referencing by the following phrases: "an elongated connection path corresponding to the pivot connection of the second linkage member to the second bracket member", "a wedge block on the second bracket member", "an opposed inclined surface of the wedge block supported on the second bracket member", "said inclined surfaces slidable with respect to each other", and "said wedge member" (claim 85). A sincere attempt has been made to understand which structures the applicant intends to claim; however, claims 84 and 88 use terminology that is not found in the specification or any of the pending claims, and is further not clearly taught by the drawings. Therefore, claims 84 and 88 have not been further treated on the merits.

Regarding claim 87, line 2 and claim 92, line 5 recite the linkage being attached to the auxiliary shelf "near the middle of the shelf" and at "a substantially centralized point", respectively. However, there is no support in the specification or drawings for this language. Based on the drawings, the points of attachment of the linkage to the shelf are substantially centered along the rear edge of the shelf, which does not support the language referenced above.

Claims 95 and 98-100 recite the keyboard support/engaging member (i.e. shelf) comprising two side pieces spaced apart by a center section and defining aligned slots on opposite sides of the center section; however this language is not supported by the specification or drawings. Specifically, based on the drawings, the shelf (4) does include two side pieces (vertical members attached to pivot rods 11 and 13) spaced

apart by a center section. However, the drawings do not teach "slots" on opposite sides of the center section. As best understood, applicant is referencing the "recesses" which are defined by the read edge of the shelf bracket and the two side pieces.

Regarding claims 99 and 100, lines 21 and 22 recite the keyboard support carriage being supported on "the ball bearing slide and movable along the slide". This language is not supported by the specification or drawings. Specifically, the specification teaches the keyboard support carriage being supported by the horizontal track and movable along the track and does not disclose the use of any ball bearings.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-46, 85 and 95-100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because it is unclear whether the combination of the shelf mechanism and desk is being claimed or merely the subcombination of the shelf mechanism. Claim 1 recites the desk in a functional statement in the preamble of the claim, indicating the subcombination is being claimed, yet the applicant recites a further structural limitation to the desk in claim 1 (line 7). For purposes of this Office action, the examiner will assume the **subcombination** is being claimed.

Claim 9 recites the limitation "the first side face" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the fourth pivot point" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 85 recites the limitation "the second arm" in line 1, "the first arm" in line 2, and "said second bracket member" and "said wedge member" in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claims 101 and 109-114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 95 and 98 recite the limitation "the keyboard engaging member" in lines 9 and 12 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claims 99 and 100 recite the limitations "the ball bearing slide" and "the slide" in lines 21 and 22. There is insufficient antecedent basis for these limitations in the claims.

Double Patenting

Applicant is advised that should claim 84 be found allowable, claim 88 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 48, 49, and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,302,015 to Du Vall. With regards to claims 48, 49, and 92, Du Vall discloses an auxiliary shelf mechanism (Figs. 1-2b) including an auxiliary shelf (14) having a top and a bottom surface and a parallelogram linkage (16) to attach the shelf to a support surface (12) so that the shelf may be moved horizontally and vertically relative to the support surface (12); wherein the linkage is attached to the shelf (14) at a substantially centralized, interior point of the auxiliary shelf (i.e. the links 52, 54 are attached to the shelf along the central longitudinal axis thereof, which is located interior of edge 30 and the opposite rear edge of the shelf) in a manner to prevent the shelf mechanism from extending below the bottom surface of the shelf (see Fig. 2).

Claims 48, 83, 86, 87, and 94 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,644,875 to Watt. With regards to claims 48, 83, 86, 87, and 94, Watt discloses an auxiliary shelf mechanism including an articulating arm mechanism comprising: a mechanism including a parallelogram linkage comprising an elongated downwardly opening channel-shaped member (30), two linkage arms (76,78) that connect a mounting bracket (18) and shelf bracket/auxiliary shelf (22) having a top/shelfing surface (68), a bottom surface, and two side edges (at 22 and the edge

opposite 22), wherein the linkage arms (76, 78) are connected to the shelf bracket (22) at a pivot connection (82, 86) above the shelving surface (see Fig. 4) so that all of the auxiliary shelf mechanism is above the bottom surface of the shelf bracket/auxiliary shelf (22), wherein the linkage arms (76,78) connect to the auxiliary shelf/shelf bracket (22) away from the two side edges (see Fig. 2) and near (defined by Merriam Webster's Collegiate Dictionary as "close to") the middle (defined by Merriam-Webster's Collegiate Dictionary as "something intermediate between extremes"), wherein the auxiliary shelf/shelf bracket (22) may be moved horizontally and vertically relative to a desk (14).

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-15, 17-30, 32-37, 39-47, 50-64, 89, 91, and 95-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,292,097 to Russell in view of U.S. Patent 5,257,767 to McConnell. Regarding claims 1-7, 9-15, 17-30, 32-47, 50-64, 89, 91, and 95-100, Russell discloses an auxiliary shelf mechanism, for vertically positioning a shelf/keyboard support, including an articulating arm mechanism comprising: a mounting bracket (13) for attachment to a base (10); a parallelogram linkage (Figs. 20-21) having a first end for mounting a shelf (11) and a second end pivotally connected to the mounting bracket (13) for permitting vertical swinging

movement of the shelf relative to the mounting bracket between lower and upper positions, the linkage including an upper link/bar/arm (16), a lower link/bar/side arm (15), a first end link/shelf bracket (14), and first (joint connecting 13 and 16), second (joint connecting 16 and 14), third (joint connecting 15 and 14), and fourth (joint connecting 15 and 13) pivot connections having parallel axes, wherein the first and fourth pivot connections are closer together than the second and third pivot connections; wherein the upper link (16) has opposite ends pivotally coupled to the first end link (14) and the mounting bracket (13) by the first and second pivot connections, one end of the lower link (15) is pivotally coupled to the first end link (14) by the third pivot connection, and the second end of the linkage is pivotally connected to the mounting member (13) solely by the fourth pivot connection; and a stopping means attached to an inside face of the mounting bracket (13) and including a first wedge/engagement surface (36) on the linkage and a second wedge/engagement surface (35) of the mounting member (13), the first wedge/engagement surface (36) being normally gravitationally biased into engagement with the second wedge/engagement surface (35) and being released from engagement by applying an upwardly directed manual force (col. 6, lines 54-65), wherein the stopping means is adjustable between a first position that is closer to the front end of the mounting member than a second position that is closer to the back end of the mounting member and wherein the stopping means can be fixed at either the first or second position or at any position therebetween. Russell further discloses the lower link/bar/side arm (15) being able to pivot and reciprocatingly move relative to the fourth pivot/crank and slider

joint (29,30); the stopping means having a concave stopping surface (35 generally) facing and capable of frictionally engaging the convex rear surface (36 generally) of the lower link/bar/side arm (15); interconnecting projections/teeth (35, 36 in Fig. 17) serving as "fixing means" and a "locking mechanism"; and the stopping means including angled surfaces (Fig. 22).

Russell does not teach the first/upper and second/lower arms not being substantially parallel to each other or the shelf bracket including two spaced side pieces. McConnell discloses a shelf mechanism comprising: a first/upper arm (18) pivotally connected to a mounting bracket (16) and a shelf bracket/keyboard support member (22) by first and second pivot points (71,77), the shelf bracket/keyboard support member (22) comprising a generally planar keyboard support surface (at 111) and two parallel side pieces (79) spaced apart by a center section and defining aligned slots on opposite sides of the center section (see Figs. 4 and 6), the side pieces (79) being above the bottom curvilinear surface (at 22 in Fig. 5) of the shelf bracket/keyboard support member and at substantially interior, but spaced points on the shelf bracket/keyboard support member (22); a second/lower arm (20) connected to the shelf bracket by a third pivot point (81) and to the mounting bracket by a fourth pivot point (75); wherein the first and second arms (18,20) are not substantially parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism of Russell by substituting the shelf bracket of McConnell for the shelf bracket (14) of Russell and providing a non-parallelogram linkage because one would have been motivated to

provide for effective clockwise movement of the shelf bracket as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50). Russell fails to teach the auxiliary shelf mechanism being capable of horizontally positioning the shelf.

McConnell further teaches a means for rotatably attaching the shelf (24) to a base/desk (10) comprising: a mounting track (14); a swivel mechanism (40,42) associated with the mounting bracket (16) for rotating the arm mechanism (18,20) about a vertical axis; the swivel mechanism positioned in combination with the mounting track to which the mounting bracket is slidably connected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism of Russell by providing a mounting track and swivel mechanism because one would have been motivated to provide a support mechanism which provides for improved ease of storage of the keyboard shelf beneath a desk and which may be easily positioned in an orientation for use as taught by McConnell (col. 2, lines 43-47).

Additionally, Russell fails to teach a spring for biasing either the first or second arm. McConnell teaches a coil spring (72) connected to the first pivot rod (71) and the mounting bracket (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by including a spring attached to the first arm because one would have been motivated to provide a means for biasing the linkage in the clockwise direction as taught by McConnell (col. 5, lines 56-59). Russell also fails to teach the first, second, and third pivot connections including rods and the fourth pivot connection including a bolt. McConnell teaches the pivot connections including pivot rods (71,75,77) and a bolt (81). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have modified the pivot connections by including pivot rods and a bolt as a known means for pivotably connecting the members of the arm mechanism and as taught by McConnell. Russell fails to teach two lower/side arms (15). McConnell teaches the first/upper arm (18) pivotally connected at two separate locations (85 - Fig. 6) to the two side arms of lower arm (20) that are integrally connected at end (95). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the linkage of Russell by providing two separate points of attachment between the first/upper and second/lower arms and two stopping means for the side arms in order to provide symmetric, stable support as taught by McConnell and as was generally known in the art.

Claims 16 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of McConnell as applied above, and further in view of U.S. Patent 5,031,867 to Cotterill. Regarding claims 16 and 38, Russell in view of McConnell discloses the mechanism as applied above including a crank and slider joint (29,30) and stopping mechanism (35,36) for adjusting the position of the linkage relative to the mounting bracket (13). Russell in view of McConnell does not teach a locking knob for fixing the side/lower arm (15). Cotterill discloses a keyboard support comprising a linkage (22,24,25,31,27) having a crank and slider joint (29,30) consisting of a threaded pivot pin (29) engaged by a locking knob (shown as 29 in Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism of Russell by providing the threaded pin and locking knob of

Cotterill as an alternative means for adjusting the linkage and to facilitate adjustment to a desired angle and tilt with only one hand as taught by McConnell (col. 2, lines 42-50).

Claims 65-69 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Watt. Regarding claims 65 (as best understood), 66-69 and 73, Russell discloses the mechanism as applied above but does not teach the shelf bracket (14) being pivotally connected to the front portion of the first/upper arm (16) by at least one pivot positioned above a shelving surface (at 14). Watt discloses the auxiliary shelf mechanism as applied to claims 48, 83, 86, 87, and 94 above, and further teaches the first/upper arm (76) pivotally connected to the shelf bracket (22) at a pivot connection (82) above the shelving surface (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism of Russell by providing a pivot connection between the first/upper arm and shelf bracket located above the shelving surface as an alternative means for pivotally supporting the shelf bracket and as taught by Watt.

Claims 70-72 and 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Watt as applied to claims 65-69 and 73 above, and further in view of McConnell. Regarding claims 70-72 and 74-82, Russell in view of Watt discloses the shelf mechanism as applied above but does not teach the auxiliary shelf mechanism being capable of horizontally positioning the shelf. McConnell further teaches a means for rotatably attaching the shelf (24) to a base/desk (10) comprising: a mounting track (14); a swivel mechanism (40,42) associated with the mounting bracket (16) for rotating the arm mechanism (18,20); the swivel mechanism positioned in

combination with the mounting track to which the mounting bracket is slidably connected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism by providing a mounting track and swivel mechanism because one would have been motivated to provide a support mechanism which provides for improved ease of storage of the keyboard shelf beneath a desk and which may be easily positioned in an orientation for use as taught by McConnell (col. 2, lines 43-47). Russell does not teach the first/upper and second/lower arms not being parallel to each other. McConnell discloses the shelf mechanism as applied above, wherein the first and second arms (18,20) are not substantially parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism by providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50). Additionally, Russell fails to teach a spring for biasing either the first or second arm. McConnell teaches a coil spring (72) connected to the first pivot rod (71) and the mounting bracket (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by including a spring attached to the first arm because one would have been motivated to provide a means for biasing the linkage in the clockwise direction as taught by McConnell (col. 5, lines 56-59).

Claims 90 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watt as applied to claims 48, 83, 86, 87, and 94 above, in view of McConnell.

Regarding claims 90 and 93, Watt discloses the auxiliary shelf mechanism as applied above but does not teach a non-parallelogram linkage. McConnell discloses the shelf mechanism as applied above, wherein the first and second arms (18,20) of the linkage are not parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism of Watt by providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position beneath a workstation or desk as taught by McConnell (col. 6, lines 45-50).

Allowable Subject Matter

Claims 8 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered to be pertinent to applicant's disclosure: 2002/0043601 to Barber; 2002/0033435 to LeClair et al; 6488248 to Watt et al; 5791263 to Watt et al.; 5924666 to Liu; 6021985 to Hahn; 6148739 to Martin; 6176456 to Wisniewski; 6186460 to Lin; 6199809 to Hung; 6227508 to Panzarella et al.; 6270047 to Hudson; 62673382 to Pemberton; 2001/0035482 to Timm; 6322031 to LeClair et al; 6336617 to Barber et al; 6336618 to Barber; 6343775 to Jones

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et al.; 6481683 to Stewart et al; 6478279 to Barber; 6460816 to Barber; 6450467 to Timm; 6409127 to VanderHeide et al; 6398176 to Liu; 6397763 to Panzarella et al

The above references disclose movable auxiliary support mechanisms similar to Applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.



Naschica S. Morrison
Patent Examiner
Art Unit 3632
7/23/04



ANITA KING
PRIMARY EXAMINER